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September 20, 2011

VIA ELECTRONIC CASE FILING

The Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Michael Virtuoso
Docket No. 11 CR 508 (SLT)

Dear Judge Townes:

I am writing to respectfully request that this Court schedule a bail argument in the instant case on or before September 27, 2011.

I have contacted the government and attempted to schedule a bail argument for this Friday, September 23, 2011. While the Court was available, the government informed defense counsel that they are not available on that date. Additionally, they informed defense counsel that they would require a minimum of seven days to respond to Virtuoso's written application and that they will not be available on September 28, 2011 through September 30, 2011. As a result, the earliest possible date for a bail argument would be October 3, 2011.

While defense counsel recognizes that the government should be afforded some time to respond, seven days is excessive in light of the circumstances. The government filed a detention memorandum on the date of arrest, July 5, 2011 and was prepared to argue bail on that date. To now require at least seven days to reply to defense counsel's response to their detention

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memorandum, combined with the government's unavailability until October 3, 2011, results in an unfair delay to Michael Virtuoso who has been in pretrial detention since July 5, 2011.

In order to avoid unfair delay to Michael Virtuoso, defense counsel is requesting that the following schedule be implemented: Defense response to government's detention memorandum due today, September 20, 2011; Government reply due on or before September 26, 2011 and a bail argument on September 27, 2011. It is respectfully asserted that five days affords the government more than enough time to respond based on the aforementioned circumstances.

Therefore, it is respectfully requested that this Court Order a bail hearing on or before September 27, 2011.

Respectfully submitted,



Joseph DiBenedetto

cc: Mr. Stephen Frank,
Assistant United States Attorney
(Via ECF)